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EXAMINER

KARMIS, STEFANOS

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 03/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/502,490

Applicant(s)

WEBER, CHRISTOPHER SCOTT

Examiner

Stefano Karmis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12/4/02.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 11-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 11-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 2/11/2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. This communication is in response to Applicant's amendment filed on October 18, 2002.
The rejections are as stated below.

Status of Claims

2. Of the original claims 11-13, claims 11-13 are under prosecution in this application.

Summary of this Office Action

3. Applicants' arguments filed on October 18, 2002 have been fully considered, and discussed in the next section below or within the following rejection are not deemed to be persuasive. Therefore, claims 11-13 are rejected as being unpatentable over the art cited below, and Applicants' request for allowance is respectfully denied.

Response to Applicants' Amendment

4. The Examiner acknowledges the proposed specification correction to remove excess pages of computer code for a brief description and a submitted compact disc (CD-R) containing the computer program listing. The objection is withdrawn.
5. The Examiner acknowledges Applicants' arguments in the remarks with respect to the 35 U.S.C. 112, first paragraph to claims 11-13 and therefore withdraws the previous office action's

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claim rejection under 35 U.S.C. 112 1st paragraph. Applicants' remaining traversals are discussed under 35 U.S.C. §103 rejection.

Drawings

6. The drawings are objected to because Figure 2 is missing from the application. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 148 USPQ 459, that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or unobviousness.

8. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Richardson Jr. et al. (hereinafter Richardson) U.S. Patent No. 5,652,785 in view of Silitch U.S. Patent No. 3,766,476 in further view of Lincke et al. (hereinafter Lincke) U.S. Patent No. 6,253,326.

Claims 11 and 12, Richardson teaches a computer-readable medium containing instructions for controlling a data processing system to perform a method for audible announcement generation, the method comprising the steps of, storing flight information in a database, retrieving flight information from the database, storing retrieve flight information into a desired sequence, articulating sequenced flight information, articulating standardized opening messages, and determining an end program sequence termination request by determining whether a designated key has been depressed, and terminating performance of the method based on determination that the designated key has been depressed (Figs. 6-8, abstract, column 4, lines 34-41, and column 10, line 51 thru column 14, line 31).

Richardson fails to teach radio broadcasting the flight information.

Silitch teaches short wave radio communication system for various embodiments including auto travel information. The radio transmits messages to vehicles moving along the highway to alert the driver as to various road conditions, weather, traffic and the like which the vehicle will encounter (column 1, lines 19-30).

It would have been obvious to anyone of ordinary skill in the art at the time of the present invention to modify the teachings of Richardson to include radio broadcasting as taught by Silitch to communicate flight conditions as the road travel conditions.

Richardson fails to teach determining whether flight information has been received from a flight information file server with a predetermined period of time and establishing

communications with the flight information file server based on a determination that flight information has not being received within a predetermined period of time.

Claim 13, Lincke teaches a browser that displays the form (also stored in local memory) for the user to enter the flight number or city codes. The user enters the information in the form and hits the "submit" button. Now, for the first time in this scenario, the browser sends a request out over the network to fetch the airline information. When the response comes back from the proxy server (three to five seconds later), the information for that flight will be displayed on the screen. As just described, there are a number of significant differences between the browser and a standard web browser. First, the primary usage of the browser is for accessing real-time data through form submittal.

It would have been obvious that the teachings of Richardson to broadcast flight information could include the teachings of Lincke, specifically referring to obtaining flight information from a flight information server within a predetermined period of time to verify that flight information is current.

Response to Arguments

9. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stefano Karmis whose telephone number is (703) 305-8130. The examiner can normally be reached on M-F: 8-5.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (703) 308-1065. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-1113.

Respectfully Submitted
Stefano Karmis
January 29, 2003



VINCENT MILLIN
SUPERVISORY PATENT EXAMINER
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